

**HILLSBORO-DEERING SCHOOL BOARD  
REGULAR MEETING  
Monday, April 1, 2019 – 6:15pm  
Hillsboro-Deering Elementary School Media Center**

**A. Call Meeting to Order**

**B. Pledge of Allegiance**

*Public announcement that meeting is being recorded and may appear on the internet.*

**C. Correspondence**

**D. Recognitions**

**E. Presentations**

**F. Public Comment**

*NOTE: This is an opportunity for members of the public to share an idea or concern with the board. Comments are limited to 5 minutes per person. It is not the practice of the board to immediately respond to comments made.*

**G. School Board Response to Public Comment**

*NOTE: At this time the board may respond to comments made or answer questions asked during previous board meeting public comment sessions. No additional public comments will be taken at this time.*

**H. Board Discussion Items**

1. Follow-up – ConVal School Board Letter
2. Public Relations
3. Performing Arts/Other Projects

**I. Superintendent's Report**

1. Appointments, Leaves and Resignations
  - a. Teacher Nominations for 2019-2020 per RSA 189-14a
2. HDES Comprehensive Support and Improvement (CSI) Update
3. NHDOE General Assurances for FY2020
4. Business Administrator's Report
  - a. Audit
  - b. Health Insurance Rates
  - c. Liability Insurance

**J. Minutes – March 18, 2019 regular meeting minutes**

**K. Public Comment**

*NOTE: See first Public Comment note above – for the sake of time, only new comments please.*

**L. School Board Response to Public Comment**

*NOTE: At this time the board may respond to comments made or answer questions asked during previous board meeting public comment sessions. No additional public comments will be taken at this time.*

**M. Action Items**

1. Appointments, Leaves and Resignations
  - a. Teacher Nominations for 2019-2020 per RSA 189-14a
2. NHDOE General Assurances for FY2020
3. Primex Property & Liability CAP Agreement

**N. Non-Public Session – if needed**

**O. Call Back to Order**

**P. Action Following Non-Public Session**

**Q. Adjournment**

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Per RSA 91-A:3 II. (a) -(e), (k) and (l) only the following matters may be considered or acted upon by a school board in non-public session:

- a) the dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him/her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted;
- b) the hiring of any person as a public employee;
- c) matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting;
- d) consideration of the acquisition, sale or lease of property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community; and
- e) consideration or negotiations of pending claims or litigation which has been threatened in writing or filed against the body or agency or any; subdivision thereof, or against any member thereof, because of his/her membership in such body or agency until the claim or litigation has been fully adjudicated or otherwise settled.
- k) Consideration by a school board of entering into a student or pupil tuition contract authorized by RSA 194 or RSA 195-A, which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general public or the school district that is considering a contract, including any meeting between the school boards, or committees thereof, involved in the negotiations.
- l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

**NEW HAMPSHIRE PUBLIC SCHOOLS  
SCHOOL ADMINISTRATIVE UNIT #1**

**CONTOOCCOOK VALLEY SCHOOL DISTRICT  
OFFICE OF THE SUPERINTENDENT OF SCHOOLS  
106 Hancock Road, Peterborough, NH, 03458-1197**

Kimberly Rizzo Saunders, Ed.D.  
Superintendent of Schools  
[ksaunders@conval.edu](mailto:ksaunders@conval.edu)

Ann Forrest, Ed.D.  
Assistant Superintendent of Schools  
[aforrest@conval.edu](mailto:aforrest@conval.edu)

Dear NHSBA Member Boards,

As you have likely heard, the Contoocook Valley School District, widely known as ConVal, filed a Complaint and Motion for a Preliminary Injunction in Cheshire Superior Court, seeking to require the State of New Hampshire to meet its constitutional obligation to fund an adequate education for every New Hampshire student.

The ConVal School Board has not taken this step lightly. It has been twenty-six years since the Supreme Court of New Hampshire, in the landmark Claremont decision, determined that it is a State obligation to ensure a constitutionally adequate education for New Hampshire children. Subsequent decisions by the Court also determined that the State cannot shift that responsibility to the local communities.

Regrettably, the Legislature has to date been unable to provide adequate funding to local communities so that all children in New Hampshire receive a fair and equitable education, forcing local school boards to raise the necessary funds from increasingly overburdened local taxpayers.

The Complaint lays out, using the State's own formula and the State's own data, how the State's base adequacy funding falls far short of constitutionally sufficient funding for the children of either the ConVal School District or New Hampshire. The State's current funding of only \$3,636.06 per child does not fund the actual transportation costs incurred by districts, does not apply the actual teacher student ratios, does not accurately reflect the actual benefits required by the State, does not provide any funding for school nurses, superintendent services nor food services as required by state law and provides less than 20% of the actual statewide average facilities operations and maintenance costs. The current proposed legislation does little to provide permanent, guaranteed adequacy and while it may provide temporary relief to some communities, it is not a permanent solution to an ongoing problem.

Any School Boards interested in coordinating efforts are invited to reach out to any of the following contacts:

Educating the Children of:  
Antrim, Bennington, Dublin, Frankestown, Greenfield, Hancock, Peterborough, Sharon, Temple

Telephone (603) 924-3336 Fax (603) 924-6707  
[www.conval.edu](http://www.conval.edu)

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Ann Forrest, Ed.D.  
Assistant Superintendent of Schools  
[aforrest@conval.edu](mailto:aforrest@conval.edu)

Richard Cahoon  
ConVal School Board Vice-Chair  
[rcahoon@conval.edu](mailto:rcahoon@conval.edu)  
603-831-4376

Dr. Kimberly Rizzo Saunders  
ConVal Superintendent  
[ksaunders@conval.edu](mailto:ksaunders@conval.edu)  
603-924-3336 ext. 2028

Michael J. Tierney, Esq.  
Wadleigh, Starr and Peters PLLC  
[mtierney@wadleighlaw.com](mailto:mtierney@wadleighlaw.com)  
603-669-4140

Educating the Children of:  
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P. O. Box 2190  
Hillsboro, NH  
03244-2190

# SAU #34

*Soaring to Excellence*

603-464-4466  
Fax 603-464-4053  
[www.hdsd.org](http://www.hdsd.org)

*Robert A. Hassett, M.Ed.*  
*Superintendent of Schools*

*Patricia M. Parenteau, MS, CAGS*  
*Assistant Superintendent*

*Jennifer L. Crawford, Ed.D.*  
*Director of Curriculum, Instruction and Assessment*

*Loreal R. Schmidt, M.S.T.*  
*Business Administrator*

To: Members, Hillsboro-Deering School Board  
From: Mr. Robert A. Hassett, Superintendent of Schools  
Date: April 1, 2019  
Re: Appointments, Leaves and Resignations - Teachers & Administrators

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The following resignations, leaves, and appointments of teachers have occurred since the March 18, 2019 School Board meeting:

**RESIGNATIONS: None**

**LEAVES: None**

**TRANSFERS/CHANGE OF ASSIGNMENTS: None**

**APPOINTMENTS:**

**Karla Luhtjarv** – HDHS Tutor, \$35.00/hour, up to 10 hours/week per IEP, effective 3/21/19

**Steve Cousins** – HDHS Tutor, \$35.00/hour, up to 10 hours/week per IEP, effective 3/21/19

**Kate Griffin** - HDES Reading/Literacy Tutor, \$35.00/hour, up to 4 hours/week per IEP, effective 2/20/19

**Christine Haley** – HDES Drama Assistant, \$600.00 stipend, effective 1/20/19-6/20/19

**Hillsboro-Deering School District  
Teacher Nominations for 2019-2020**

**ADMINISTRATORS COVERED BY RSA 189:14A**

<b>Name</b>	<b>JobTitle</b>	<b>FTE</b>	<b>Department</b>
ALBERT, BRANDON P	SPEC ED COORDINATOR	1	HIGH SCHOOL
CARSON, TIMOTHY	ALT PROGRAM DIRECTOR	1	HIGH SCHOOL
CLANCY, JOY M	ASSISTANT PRINCIPAL	1	HIGH SCHOOL
FURLONG, DONNA M	UPPER ELEMENTARY PRINCIPAL	1	ELEMENTARY SCHOOL
LALIBERTE, JENI	LOWER ELEMENTARY PRINCIPAL	1	ELEMENTARY SCHOOL
O'ROURKE, DOROTHY F	SPEC ED COORDINATOR	1	MIDDLE SCHOOL
O'ROURKE, JAMES E	PRINCIPAL	1	HIGH SCHOOL
PETERSON, MARC W	PRINCIPAL	1	MIDDLE SCHOOL
RALPH, KAREN M	STUDENT SUPPORT COORD	1	ELEMENTARY SCHOOL
WEST, PATRICK D	ASSISTANT PRINCIPAL	1	MIDDLE SCHOOL

**TEACHERS COVERED BY RSA 189:14A**

**Hillsboro-Deering Elementary School**

<b>Name</b>	<b>JobTitle</b>	<b>FTE</b>
BOUCHER, REBECCA G	CLASSROOM TEACHER	1
BOWLEY, SARAH A	PRESCHOOL TEACHER	1
BRETT, ELIZABETH	ART TEACHER	1
BUCK, ELISABETH J	SPECIAL ED TEACHER	1
CARSON, TERRI L	CLASSROOM TEACHER	1
CHEVREFILS, MEGHAN	PE TEACHER	1
CORNETT, CHERYL	MATH SPECIALIST	0.6
COVER, JILL M	TITLE 1 TEACHER	1
COVER, MARGARET I	CLASSROOM TEACHER	1
DYER-QUINN, DEBORAH	CLASSROOM TEACHER	1
ENGLE, STEPHANIE L	CLASSROOM TEACHER	1
GOULD, KRYSTLE M	SPECIAL ED TEACHER	1
GRIFFIN, KATIE	SPECIAL ED TEACHER	1
HALEY, CHRISTINE	MUSIC TEACHER	1
HENRY, MEGHAN K	CLASSROOM TEACHER	1
HERRICK, DAGMAR S	READING SPECIALIST	1
HINES, DIANE L	CLASSROOM TEACHER	1
HOLDREDGE, ELIZABETH A	CLASSROOM TEACHER	1
HYTNER, VERONICA M	SPECIAL ED TEACHER	1
JOHANSEN, MARY H	SPECIAL ED TEACHER	1
JONES, MARGARET M	LIBRARY/MEDIA SPECIALIST	1
KIMBALL, ALANA	CLASSROOM TEACHER	1
KNIGHT, JESSICA L	COMPUTER TEACHER	1
KOTKOWSKI, EMILY	NURSE	1
LAMBERT, VERONIQUE	CLASSROOM TEACHER	1
LePAGE, BROOKE C	SPECIAL ED TEACHER	1
McDERMOTT, KELLY C	CLASSROOM TEACHER	1

**Hillsboro-Deering School District  
Teacher Nominations for 2019-2020**

McLAY, VIRGINIA E	CLASSROOM TEACHER	1
MEFFERT, CAROLYN E	CLASSROOM TEACHER	1
MILLER, DIANE M	CLASSROOM TEACHER	1
PARENTEAU, DANIELLE B	PRESCHOOL TEACHER	1
PROCHILLO, BRENDA L	CLASSROOM TEACHER	1
ROCKWELL, SHANNON	SCHOOL COUNSELOR	1
SAVOY, STEPHANIE	CLASSROOM TEACHER	1
SCHUMACHER, SONYA G	CLASSROOM TEACHER	1
SMITH, KELLEY	CLASSROOM TEACHER	1
STILES, CAROLYN M	CLASSROOM TEACHER	1
WALKER, ANN F	SPECIAL ED TEACHER	1
WARD-HILL, ELLEN R	CLASSROOM TEACHER	1
WECHSLER, KATHLEEN	SPECIAL ED TEACHER	1
WELCH, BRIANNA T	CLASSROOM TEACHER	1
WHEELER, VICTORIA P	CLASSROOM TEACHER	1
WHIPPS, LISA A	CLASSROOM TEACHER	1
WILLETT, MEAGAN L	SPECIAL ED TEACHER	1

**Hillsboro-Deering Middle School**

<b>Name</b>	<b>JobTitle</b>	<b>FTE</b>
AMITRANO, MONIQUE G	SPECIAL ED TEACHER	1
BEAROR, SUSAN M	LIBRARY/MEDIA SPECIALIST	1
BELL, TARA L	SPECIAL ED TEACHER	1
BROWN, SAMUEL N	SCIENCE TEACHER	1
CARSON, LINDA S	SOCIAL STUDIES TEACHER	1
CHAPIN, RICHARD C III	SCIENCE TEACHER	1
CONLEY, AMANDA	SPECIAL ED TEACHER	1
COOPER, BETHANY J	ENGLISH/LA TEACHER	1
CUTTER, SHELLEY T	SCIENCE TEACHER	1
DAVENPORT, TARA L	ENGLISH/LA TEACHER	1
DIAZ, ABBY T	SOCIAL STUDIES TEACHER	1
DREW, JOCELYNN M	ART TEACHER	1
ELLIS, NICHOLAS G	WRITING TEACHER	1
GAMACHE, SHARON P	NURSE	1
GRANGER, JESSICA A	SPECIAL ED TEACHER	1
KAVOURAS, STEPHANIE G	SCHOOL COUNSELOR	1
LAMOTHE, STEPHANIE L	ENGLISH/LA TEACHER	1
LEHMENKULER, ROBERT W	MUSIC TEACHER	1
MALLINGER, COURTNEY	HEALTH TEACHER	1
MARTIN, STEPHANI L	MATH TEACHER	1
MERRY, MARLEY	PE TEACHER	1
MOULTROUP, MELISSA M	ENGLISH/LA TEACHER	1
MURRAY, SARAH E	MATH TEACHER	1
NEWBOLD, HELENE L	MATH TEACHER	1
ROBBINS, MELISSA B	SOCIAL STUDIES TEACHER	1
SILVERMAN, MITCHELL A	STEM TEACHER	1

**Hillsboro-Deering School District**  
**Teacher Nominations for 2019-2020**

SPINNER, SETH I	WRITING TEACHER	1
TASKER, ELIZA K	SPECIAL ED TEACHER	1

**Hillsboro-Deering High School**

<b>Name</b>	<b>JobTitle</b>	<b>FTE</b>
BELISLE, MICHAEL C	MATH TEACHER	1
BLASCHIK, JENNIFER J	LIBRARY/MEDIA SPECIALIST	1
BOUCHER, MICHAEL G	SCHOOL COUNSELOR	1
BRAMLEY, JOHN T	MATH/ENGINEERING TEACHER	1
CASHORALI, KATELYN	FRENCH TEACHER	1
CLARK, CLARICE	MATH/ENGINEERING TEACHER	1
COUSENS, STEPHEN F	ENGLISH TEACHER	1
DENSLOW, NOAH B	SOCIAL STUDIES TEACHER	1
DINSMORE, KELLY A	SPECIAL ED TEACHER	1
EATON, GAIL M	SPECIAL ED TEACHER	1
ELSE, SUSAN A	LIFE SCIENCSE TEACHER	1
FORRESTER IV, DANIEL W	SPECIAL ED TEACHER	1
GEHRIG, NATALIE E	ART TEACHER	1
HAGGERTY, DANIEL P	SPECIAL ED TEACHER	1
HAYNES, LAURIE J	MATH TEACHER	1
IRWIN, JESSAMYN C	ENGLISH TEACHER	1
KING, JACLYN M	SPECIAL ED TEACHER	1
KNAPP, MARILYN A	MATH TEACHER	1
LaBIER, HEATHERANN R	NURSE	1
LANGILLE, ALICIA A	SCHOOL COUNSELOR	1
LaROCHE, NICOLE E	HEALTH TEACHER	1
LIST, MELISSA W	MATH TEACHER	1
LUHTJARV, KARLA	SOCIAL STUDIES TEACHER	1
LUHTJARV, RICHARD A	SOCIAL STUDIES TEACHER	1
MACCABE, JAMES E	SOCIAL STUDIES TEACHER	1
McGINN, BRIAN C	LIFE SCIENCES TEACHER	1
MITCHELL, ROBERT A	PHYSICS TEACHER	1
NYSTROM, CHARLES M	CHEMISTRY/PHYSICS TEACHER	1
PAQUETTE, SARA L	ENGLISH TEACHER	1
PAYEUR, MARC R	BUSINESS TEACHER	1
PERRIN, JOCELYN M	MATH TEACHER	1
PRENTISS, MICHELLE E	ENGLISH TEACHER	1
ROTH-RITCHIE, JACOB	ENGLISH TEACHER	1
SWASEY, PHILIP R	PE TEACHER	1
SYNAN, SHANNON B	SPANISH TEACHER	1
THOMPSON, JERAMY	SOCIAL STUDIES TEACHER	1
WAY, JONATHAN D	MUSIC TEACHER	1
WEBSTER, CATHERINE R	ART TEACHER	1
WILLIAMS, KELLEY L	SPECIAL ED TEACHER	1
WOOD, JAY C	PE TEACHER/ATHLETIC DIRECTOR	1
YELGIN, LOUIS A	SCHOOL to CAREER COUNSELOR	1



# New Hampshire Department of Education

**FY2020**

## **GENERAL ASSURANCES, REQUIREMENTS AND DEFINITIONS FOR PARTICIPATION IN FEDERAL PROGRAMS**

Subrecipients of any Federal grant funds provided through the New Hampshire Department of Education (NHDOE) must submit a signed copy of this document to the NHDOE Bureau of Federal Compliance prior to any grant application being deemed to be “substantially approvable”. Once a grant is deemed to be in substantially approvable form, the subrecipient may begin to obligate funds which will be reimbursed upon final approval of the application by the NHDOE (34 CFR 708).

**Any funds obligated by the subrecipient prior to the application being in substantially approvable form will not be reimbursable even upon final approval of the application by the NHDOE.**

This FY2020 general assurances document contains some differences from the FY2019 general assurances document. You are encouraged to do a side by side comparison of the two documents so that you thoroughly understand the requirements to which you are agreeing.

Following your review and acceptance of these General Assurances, Requirements and Definitions for Participation in Federal Programs please sign the certification statement on the appropriate page and then initial each of the remaining pages where indicated.

Please note that the practice of the School Board authorizing the Superintendent to sign on behalf of the School Board Chair is not acceptable to the NHDOE in this case and will be considered non-responsive.

Once the document is fully executed, you may either email or mail a copy of the entire document to:

Timothy Carney  
New Hampshire Department of Education  
Bureau of Federal Compliance  
101 Pleasant Street  
Concord, NH 03301  
[Timothy.Carney@doe.nh.gov](mailto:Timothy.Carney@doe.nh.gov)

Should you have any questions please contact Timothy Carney at 603-271-2634 or Lindsey Scribner at 603-271-3837.

# **General Assurances, Requirements and Definitions for Participation in Federal Programs**

## **A. General Assurances**

Assurance is hereby given by the subrecipient that, to the extent applicable:

- 1) The subrecipient has the legal authority to apply for the federal assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay non-federal share of project costs, as applicable) to ensure proper planning, management, and completion of the project described in all applications submitted.
- 2) The subrecipient will give the awarding agency, the NHDOE, the Comptroller General of the United States and, if appropriate, other State Agencies, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
- 3) The subrecipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- 4) The subrecipient will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- 5) The subrecipient will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
  - (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin;
  - (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex;
  - (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;
  - (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age;
  - (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
  - (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
  - (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
  - (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
  - (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and,
  - (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

- 6) The subrecipient will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchases.
- 7) The subrecipient will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds. The subrecipient further assures that no federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- 8) The subrecipient will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported in whole or in part with federal funds.
- 9) The subrecipient will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported in whole or in part with federal funds.
- 10) The subrecipient will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 11) The subrecipient will comply with all applicable requirements of all other federal laws, executive orders, regulations, and policies governing all program(s).
- 12) The subrecipient will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and 2 CFR 200, Subpart F, "Audit Requirements," as applicable.
- 13) The recipient will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.
- 14) The control of funds provided to the subrecipient under each program, and title to property acquired with those funds, will be in a public agency, and a public agency will administer those funds and property.
- 15) Personnel funded from federal grants and their subcontractors will adhere to the prohibition from text messaging while driving an organization-owned vehicle, or while driving their own privately owned vehicle during official Grant business, or from using organization-supplied electronic equipment to text message or email while driving. Recipients must comply with these conditions under Executive Order 13513, "Federal Leadership On Reducing Text Messaging While Driving," October 1, 2009 (pursuant to provisions attached to federal grants funded by the US Department of Education).

- 16) The subrecipient assures that is will adhere to the Pro-Children Act of 2001, which states that no person shall permit smoking within any indoor facility owned or leased or contracted and utilized for the provision of routine or regular kindergarten, elementary, or secondary education or library services to children (P.L. 107-110, section 4303[a]). In addition, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted and utilized for the provision of regular or routine health care or day care or early childhood development (Head Start) services (P.L. 107-110, Section 4303[b][1]). Any failure to comply with a prohibition in this Act shall be considered to be a violation of this Act and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty, as determined by the Secretary of Education (P.L. 107-110, section 4303[e][1]).
- 17) The subrecipient will comply with the Stevens Amendment.
- 18) The subrecipient will submit such reports to the NHDOE and to U.S. governmental agencies as may reasonably be required to enable the NHDOE and U.S. governmental agencies to perform their duties. The recipient will maintain such fiscal and programmatic records, including those required under 20 U.S.C. 1234f, and will provide access to those records, as necessary, for those Departments/agencies to perform their duties.
- 19) The subrecipient will assure that all applications submitted for project/grant funding are proper and in accordance with the terms and conditions of the applications, the official who is authorized to legally bind the recipient agency/organization agrees to the following certification.

*"By signing this General Assurances, Requirements and Definitions for Participation in Federal Programs Document, I certify to the best of my knowledge and belief that all applications submitted are true, complete, and accurate, for the purposes and objectives set forth in the application, I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal or administrative penalties for false statements, false claims or otherwise."*

- 20) The subrecipient will assure that expenditures reported are proper and in accordance with the terms and conditions of any project/grant funding, the official who is authorized to legally bind the agency/organization agrees to the following certification for all fiscal reports and/or vouchers requesting payment.

*"By signing this General Assurances, Requirements and Definitions for Participation in Federal Programs Document, I certify to the best of my knowledge and belief that the reports submitted are true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purpose and objectives set forth in the terms and conditions of the Project Award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise."*

- 21) The subrecipient will provide reasonable opportunities for systematic consultation with and participation of teachers, parents, and other interested agencies, organizations, and individuals, including education-related community groups and non-profit organizations, in the planning for and operation of each program.
- 22) The subrecipient shall assure that any application, evaluation, periodic program plan, or report relating to each program will be made readily available to parents and other members of the general public upon request.

- 23) The subrecipient has adopted effective procedures for acquiring and disseminating to teachers and administrators participating in each program, significant information from educational research, demonstrations, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects. Such procedures shall ensure compliance with applicable federal laws and requirements.
- 24) The subrecipient will comply with the requirements of the Gun-Free Schools Act of 1994.
- 25) The subrecipient will submit a fully executed and accurate Single Audit Certification form to the NHDOE not later than March 31, 2020. The worksheet will be provided to each subrecipient by the NHDOE.
- 26) The subrecipient shall comply with the restrictions of New Hampshire RSA 15:5.
- 27) The subrecipient will comply with the requirements in 2 CFR Part 180, Government-wide Debarment and Suspension (Non-procurement).
- 28) The subrecipient certifies that it will maintain a drug-free workplace and will comply with the requirements of the Drug-Free Workplace Act of 1988.
- 29) The recipient will adhere to the requirements of Title 20 USC 7197 relative to the Transfer of Disciplinary Records.

## **B. Explanation of Grants Management Requirements**

The following section elaborate on certain requirements included in legislation or regulations referred to in the "General Assurances" section. This section also explains the broad requirements that apply to federal program funds.

### **1. Financial Management Systems**

Financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been used according to the Federal statutes, regulations, and the terms and conditions of the Federal award.

Specifically, the financial management system must be able to:

- a) Identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and federal award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and name of the pass-through entity, if any.
- b) Provide accurate, current, and complete disclosure of the financial results of each federal award or program.
- c) Produce records that identify adequately the source and application of funds for federally funded activities.
- d) Maintain effective control over, and accountability for, all funds, property, and other assets. The subrecipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.

- e) Generate comparisons of expenditures with budget amounts for each federal award.

## **2. Written Policies and Procedures**

The subrecipient must have written policies and procedures for:

- a) Cash Management (2 CFR 200.302(b)(6) & 200.305)
- b) Determining the allowability of costs in accordance with 2 CFR 200 Subpart E—Cost Principles and the terms and conditions of the Federal award. (2 CFR 200.302(b)(7))
- c) Conflict of Interest (2 CFR 200.318(c))
- d) Procurement (2 CFR 200.320)
- e) Method for conducting Technical Evaluations of Proposals and Selecting Recipients (2 CFR 200.320(d)(3) and 200.323)
- f) Suspension and Debarment (2 CFR 200.213)
- g) Travel Policy (2 CFR 200.474(b))
- h) Equipment and Supplies (2 CFR 200.313(d), 200.314)
- i) Time and Effort (2 CFR 200.430(i))
- j) Record Keeping (2 CFR 200.333 and 200.335)

## **3. Internal Controls**

The subrecipient must:

- a) Establish and maintain effective internal control over the federal award that provides reasonable assurance that the non-federal entity is managing the federal award in compliance with federal statutes, regulations, and the terms and conditions of the federal award. These internal controls should be in compliance with the guidance outlined in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States or the “Internal Control Integrated Framework”, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- b) Comply with federal statutes, regulations, and the terms and conditions of the federal awards.
- c) Take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings.
- d) Take reasonable measures to safeguard and protect personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the subrecipient considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.
- e) Maintain all accounts, records, and other supporting documentation pertaining to all costs incurred and revenues or other applicable credits acquired under each approved project in accordance with 2 CFR 200.333.

## **4. Allowable Costs**

In accounting for and expending project/grant funds, the subrecipient may only charge expenditures to the project award if they are;

- a) in payment of obligations incurred during the approved project period;
- b) in conformance with the approved project;
- c) in compliance with all applicable statutes and regulatory provisions;
- d) costs that are allocable to a particular cost objective;
- e) spent only for reasonable and necessary costs of the program; and
- f) not used for general expenses required to carry out other responsibilities of the subrecipient.

## 5. Audits

This part is applicable for all non-federal entities as defined in 2 CFR 200, Subpart F.

- a) In the event that the subrecipient expends \$750,000 or more in federal awards in its fiscal year, the subrecipient must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F. In determining the federal awards expended in its fiscal year, the subrecipient shall consider all sources of federal awards, including federal resources received from the NHDOE. The determination of amounts of federal awards expended should be in accordance with the guidelines established by 2 CFR 200, Subpart F.
- b) In connection with the audit requirements, the subrecipient shall also fulfill the requirements relative to auditee responsibilities as provided in 2 CFR 200.508.
- c) If the subrecipient expends less than \$750,000 in federal awards in its fiscal year, an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, is not required. In the event that the subrecipient expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F, the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from subrecipient resources obtained from non-federal entities).

The subrecipient assures it will implement the following audit responsibilities;

- a) Procure or otherwise arrange for the audit required by this part in accordance with auditor selection regulations (2 CFR 200.509), and ensure it is properly performed and submitted nine months after the close of the fiscal year in accordance with report submission regulations (2 CFR 200.512).
- b) Provide the auditor access to personnel, accounts, books, records, supporting documentation, and other information as needed so that the auditor may perform the audit required by this part.
- c) Prepare appropriate financial statements, including the schedule of expenditures of federal awards in accordance with financial statements regulations (2 CFR 200.510).
- d) Promptly follow up and take corrective action on audit findings, including preparation of a summary schedule of prior audit findings and a corrective action plan in accordance with audit findings follow-up regulations (2 CFR 200.511(b-c)).
- e) Upon request by the NHDOE Bureau of Federal Compliance (BFC), promptly submit a corrective action plan using the NHDOE template provided by the BFC for audit findings related to NHDOE funded programs.
- f) For repeat findings not resolved or only partially resolved, the subrecipient must provide explanation for findings not resolved or only partially resolved to the BFC for findings related to all NHDOE funded programs. The BFC will review the subrecipient's submission and issue an appropriate Management Decision in accordance with 2 CFR 200.521.

## 6. Reports to be Submitted

### Audits/Management Decisions

Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F shall be submitted, by or on behalf of the recipient directly to the following:

- a) The Federal Audit Clearinghouse (FAC) in 2 CFR 200, Subpart F requires the auditee to electronically submit the data collection form described in 200.512(b) and the reporting package described in 200.512(c) to FAC at:  
[https://harvester.census.gov/facides/\(S\(mqamohbpfj0hmyhlr45p1pol\)\)/account/login.aspx](https://harvester.census.gov/facides/(S(mqamohbpfj0hmyhlr45p1pol))/account/login.aspx)

Copies of other reports or management decision letter(s) shall be submitted by or on behalf of the subrecipient directly to:

- a) New Hampshire Department of Education  
Bureau of Federal Compliance  
101 Pleasant Street  
Concord, NH 03301
- b) In response to requests by a federal agency, auditees must submit a copy of any management letters issued by the auditor, 2 CFR 200.512(e).

Any other reports, management decision letters, or other information required to be submitted to the NHDOE pursuant to this agreement shall be submitted in a timely manner.

#### Single Audit Certification

An executed and accurate Single-Audit Certification form shall be submitted to the NHDOE not later than **March 31, 2020**. A copy of the form will be provided to each subrecipient by the NHDOE.

#### **7. Debarment, Suspension, and Other Responsibility Matters**

As required by Executive Orders (E.O.) 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, for prospective participants in primary covered transactions, as defined in 2 CFR 180.120, 180.125 and 180.200, no contract shall be made to parties identified on the General Services Administration's *Excluded Parties List System* as excluded from Federal Procurement or Non-procurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding their exclusion status and that of their principal employees.

The federal government imposes this requirement in order to protect the public interest, and to ensure that only responsible organizations and individuals do business with the government and receive and spend government grant funds. Failure to adhere to these requirements may have serious consequences – for example, disallowance of cost, termination of project, or debarment.

To assure that this requirement is met, there are four options for obtaining satisfaction that subrecipients and contractors are not suspended, debarred, or disqualified. They are:

The subrecipient certifies that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any federal Department or agency.
- b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes; commission of embezzlement; theft, forgery, bribery, falsification, or destruction of records; making false statements; or receiving stolen property.
- c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in this certification.



- d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default.

Where the subrecipient is unable to certify to any of the statements in this certification, they shall attach an explanation to this document.

### **8. Drug-Free Workplace (Grantees Other Than Individual)**

As required by the Drug-Free Workplace Act of 1988 and implemented in 34 CFR 84.200 and 84.610, the subrecipient certifies that it will continue to provide a drug-free workplace by:

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the subrecipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
  - b) Establishing, as required by 34 CFR 84.215, an ongoing drug-free awareness program to inform employees about:
    - o The dangers of drug abuse in the workplace.
    - o The recipient's policy of maintaining a drug-free workplace.
    - o Any available drug counseling, rehabilitation, and employee assistance programs.
    - o The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
  - c) Requiring that each employee engaged in the performance of the project is given a copy of this statement.
  - d) Notifying the employee in the statement that, as a condition of employment under the project, the employee will:
    - o Abide by the terms of the statement.
    - o Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
  - e) Notifying the agency in writing within 10 calendar days after receiving notice of an employee's conviction of a violation of a criminal drug statute in the workplace, as required by 34 CFR 84.205(c)(2), from an employee or otherwise receiving actual notice of employee's conviction. Employers of convicted employees must provide notice, including position title to:  
  
Director, Grants and Contracts Service  
U.S. Department of Education  
400 Maryland Avenue, S.W. [Room 3124, GSA – Regional Office Building No. 3]  
Washington, D.C. 20202-4571
- (Notice shall include the identification number[s] of each affected grant).
- f) Taking one of the following actions, as stated in 34 CFR 84.225(b), within 30 calendar days of receiving the required notice with respect to any employee who is convicted of a violation of a criminal drug statute in the workplace.
    - o Taking appropriate personnel action against such an employee, up to and including

- termination consistent with the requirements of the Rehabilitation Act of 1973, as amended.
- o Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

- g) Making a good-faith effort to maintain a drug-free workplace through implementation of the requirements stated above.

## 9. EDGAR - Education Department General Administrative Regulations

The federal grant administrative regulations for education (Title 34 CFR Parts 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99), was revised on December 26, 2014, with the implementation of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Grants Guidance), and delete 34 CFR Parts 74, 80, and 85 (Part 85 changed to 2 CFR Part 180) and included the deleted regulations into the Uniform Grants Guidance. Both administrative regulations (EDGAR and Uniform Grants Guidance), apply to all federal projects/awards.

## 10. General Education Provisions Act (GEPA) Requirements - Section 427 (Federal Requirement) Equity for Students, Teachers, and Other Program Beneficiaries

The purpose of Section 427 of GEPA is to ensure equal access to education and to promote educational excellence by ensuring equal opportunities to participate for all eligible students, teachers, and other program beneficiaries in proposed projects, and to promote the ability of such students, teachers, and beneficiaries to meet high standards. Further, when designing their projects, grant applicants must address the special needs and equity concerns that might affect the ability of students, teachers, and other program beneficiaries to participate fully in the proposed project.

Program staff within the NHDOE must ensure that information required by Section 427 of GEPA is included in each application that the Department funds. *(There may be a few cases, such as research grants, in which Section 427 may not be applicable because the projects do not have individual project beneficiaries. Contact the Government Printing Office staff should you believe a situation of this kind exists).*

The statute highlights **six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, and age.** Based on local circumstances, the applicant can determine whether these or other barriers may prevent participants from access and participation in the federally assisted project, and how the applicant would overcome these barriers.

These descriptions may be provided in a single narrative or, if appropriate, may be described in connection with other related topics in the application. Subrecipients should be asked to state in the table of contents where this requirement is met.

NHDOE program staff members are responsible for screening each application to ensure that the requirements of this section are met before making an award. If this condition is not met, after the application has been selected for funding the program staff should contact the subrecipient to find out why this information is missing. Documentation must be in the project file indicating that this review was completed before the award was made. If an oversight occurred, the program staff may give the applicant another opportunity to satisfy this requirement, but must receive the missing information before making the award, 34 CFR 75.231.

All applicants for new awards must satisfy this provision to receive funding. Those seeking *continuation* awards do not need to submit information beyond the descriptions included in their original applications.

## 11. Gun Possession (Local Education Agencies (LEAs) only)

As required by Title XIV, Part F, and Section 14601 (Gun-Free Schools Act of 1994) of the Improving America's Schools Act:

The LEA assures that it shall comply with the provisions of RSA 193:13 III.

RSA 193:13, III. Any pupil who brings or possesses a firearm as defined in section 921 of Title 18 of the United States Code in a safe school zone as defined in RSA 193-D:1 without written authorization from the Superintendent or designee shall be expelled from school by the local school board for a period of not less than 12 months.

The LEA assures that it has adopted a policy, which allows the Superintendent or Chief Administrative officer to modify the expulsion requirement on a case by case basis. RSA 193:13, IV.

The LEA assures that it shall report to the NHDOE in July of each year, a description of the circumstances surrounding any expulsions imposed under RSA 193:13, III and IV including, but not limited to:

- a) The name of the school concerned;
- b) The grade of the student disciplined;
- c) The type of firearm involved;
- d) Whether or not the expulsion was modified, and
- e) If the student was identified as Educationally Disabled.

The LEA assures that it has in effect a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to school.

Ed 317.03 Standard for Expulsion by Local School Board.

- a) A school board which expels a pupil under RSA 193:13, II or III, shall state in writing its reasons, including the act leading to expulsion, and shall provide a procedure for review as allowed under RSA 193:13, II.
- b) School boards shall make certain that the pupil has received notice of the requirements of RSA 193-D and RSA 193:13 through announced, posted, or printed school rules.
- c) If a student is subject to expulsion and a firearm is involved, the Superintendent shall contact local law enforcement officials whenever there is any doubt concerning:
  - 1) Whether a firearm is legally licensed under RSA 159; or
  - 2) Whether the firearm is lawfully possessed, as opposed to unlawfully possessed, under the legal definitions of RSA 159.
- d) If a pupil brings or possesses a firearm in a safe school zone without written authorization from the Superintendent, the following shall apply:
  - 1) The Superintendent shall suspend the pupil for a period not to exceed 10 days, pending a hearing by the local board; and
  - 2) The school board shall hold a hearing within 10 days to determine whether the student was in violation of RSA 103:13, III and therefore is subject to expulsion.

## 12. Lobbying

As required by Section 1352, Title 31, of the U.S. Code, and implemented in 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined in 34 CFR 82.105 and 82.110,

the applicant certifies that:

- a) No federally appropriated funds have been paid or will be paid by or on behalf of the subrecipient to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
- b) If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal grants or cooperative agreements, the subrecipient shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- c) The subrecipient shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, contracts under grants, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

#### **New Hampshire RSA 15:5 - Prohibited Activities.**

- I. Except as provided in paragraph II, no recipient of a grant or appropriation of state funds may use the state funds to lobby or attempt to influence legislation, participate in political activity, or contribute funds to any entity engaged in these activities.
- II. Any recipient of a grant or appropriation of state funds that wishes to engage in any of the activities prohibited in paragraph I, or contribute funds to any entity engaged in these activities, shall segregate the state funds in such a manner that such funds are physically and financially separate from any non-state funds that may be used for any of these purposes. Mere bookkeeping separation of the state funds from other moneys shall not be sufficient.

#### **13. Subrecipient Monitoring**

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F, subrecipient[ient monitoring procedures may include, but not be limited to, on-site visits by NHDOE staff, limited scope audits, and/or other procedures. By signing this document, the subrecipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the NHDOE. In the event the NHDOE determines that a limited scope audit of the project recipient is appropriate, the subrecipient agrees to comply with any additional instructions provided by NHDOE staff to the subrecipient regarding such audit.

#### **14. More Restrictive Conditions**

Subrecipients found to be in noncompliance with program and/or fund source requirements or determined to be "high risk" shall be subject to the imposition of more restrictive conditions as determined by the NHDOE.

#### **15. Obligations by Subrecipients**

Obligations will be considered to have been incurred by subrecipients on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities shall be considered to have been obligated at the time such services were rendered, such travel was performed, and/or when facilities are used (see 34 CFR 76.707).

#### **16. Participation of Private School Students and Staff in Federal Grants**

Students and staff of nonpublic schools shall be given an opportunity for equitable participation in activities or services conducted by school districts using federal funds. Appropriate personnel must be aware of, and consult, program-specific guidelines discussed in the applicable program statute, regulations, and guidance documents.

#### **17. Personnel Costs – Time Distribution**

Charges to federal projects for personnel costs, whether treated as direct or indirect costs, are allowable to the extent that they satisfy the specific requirements of 2 CFR 200.430, and will be based on payrolls documented in accordance with generally accepted practices of the subrecipient and approved by a responsible official(s) of the subrecipient.

When employees work solely on a single federal award or cost objective, charges for their salaries and wages must be supported by personnel activity reports (PARs), which are periodic certifications (at least semi-annually) that the employees worked solely on that program for the period covered by the certification. These certifications must be signed by the employee or a supervisory official having firsthand knowledge of the work performed by the employee.

When employees work on multiple activities or cost objectives (e.g., more than one federal project, a federal project and a non-federal project, an indirect cost activity and a direct cost activity, two or more indirect activities which are allocated using different allocation bases, or an unallowable activity and a direct or indirect cost activity), the distribution of their salaries or wages will be supported by personnel activity reports or equivalent documents that meet the following standards:

- a) Reflect an after-the-fact distribution of the actual activity of each employee
- b) Account for the total activity for which each employee is compensated
- c) Prepared at least monthly and must coincide with one or more pay period
- d) Signed and dated by the employee

#### **18. Project Effective Dates**

For federal programs, funds shall be obligated no earlier than the date the project application was received by the NHDOE and determined to be in substantially approvable form or the effective date of the federal grant award, whichever is later.

All Project/Grant Award Notifications reflect the beginning and ending dates of the project period and the date for submission of the final expenditure report. All conditions stated in the award notification are considered binding on the subrecipient.

#### **19. Protected Prayer in Public Elementary and Secondary Schools**

As required in Section 9524 of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the No Child Left Behind Act of 2001, LEAs must certify annually that they have no policy that prevents or otherwise denies participation in constitutionally protected prayer in public elementary

and secondary schools.

## **20. Purchasing**

All subrecipients must have documented procurement policies and procedures that meet the minimum requirements of federal and state statutes, rules, and regulations. Under the Uniform Administrative Requirements, the procurement standards are located at 2 CFR 200.317 – 200.326.

## **22. Retention and Access to Records**

Requirements related to retention and access to project/grant records, are determined by federal rules and regulations. Federal regulation 2 CFR 200.333, addresses the retention requirements for records that applies to all financial and programmatic records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal or Project award. If any litigation, claim, or audit is started before the expiration date of the retention period, the records must be maintained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

Access to records of the subrecipient and the expiration of the right of access is found at 2 CFR 200.336 (a) and (c), which states:

- a) Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives [including but not limited to the NHDOE] must have the right of access to any documents, papers, or other records of non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.
- c) Expiration of right of access. The rights of access in this section are not limited to the required retention period but last as long as the records are retained.

## **23. The Stevens Amendment**

All federally funded projects must comply with the Stevens Amendment of the Department of Defense Appropriation Act, found in Section 8136, which provides:

*When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with federal money, (2) the dollar amount of federal funds for the project or program, and (3) the percentage and dollar amount of the total costs of the project or program that will be funded by non-governmental sources.*

## **24. Transfer of Disciplinary Records**

Title 20 USC 7197 requires that the State have a procedure to assure that a student's disciplinary records, with respect to suspensions and expulsions, are transferred by the project recipient to any public or private elementary or secondary school where the student is required or chooses to enroll. In New Hampshire, that assurance is statutory and found at RSA 193-D:8.

The relevant portions of the federal and state law appear below.

- a) **Disciplinary Records** - In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school.
- b) **193-D:8 Transfer Records; Notice** – All elementary and secondary educational institutions, including academies, private schools, and public schools, shall upon request of the parent, pupil, or former pupil, furnish a complete school record for the pupil transferring into a new school system. Such record shall include, but not be limited to, records relating to any incidents involving suspension or expulsion, or delinquent or criminal acts, or any incident reports in which the pupil was charged with any act of theft, destruction, or violence in a safe school zone.

## B. Definitions

- 1) **Audit finding** - *Audit finding* means deficiencies which the auditor is required by 2 CFR 200.516 Audit findings, paragraph (a) to report in the schedule of findings and questioned costs (2 CFR 200.5).
- 2) **Management decision** - *Management decision* means the evaluation by the Federal awarding agency or pass-through entity of the audit findings and corrective action plan and the issuance of a written decision to the auditee as to what corrective action is necessary (2 CFR 200.66).
- 3) **Obligations** - When used in connection with a non-Federal entity's utilization of funds under a Federal award, *obligations* means orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period (2 CFR 200.71).
- 4) **Pass-through entity** - *Pass-through entity* means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program (2 CFR 200.74).
- 5) **Period of performance** - *Period of performance* means the time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award. The Federal awarding agency or pass-through entity must include start and end dates of the period of performance in the Federal award.
- 6) **Subaward** - *Subaward* means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. (2 CFR 200.92).
- 7) **Subrecipient** - *Subrecipient* means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency (2 CFR 200.93).

## CERTIFICATION

**Instructions:** The Superintendent, or other Qualifying Administrator, if the School District does not have a Superintendent, (See RSA 194-C:5, II) **must** consult with the School Board for the School District by informing said School Board about the District's participation in Federal Programs and the terms and conditions of the General Assurances, Requirements and Definitions for Participation in Federal Programs. The Superintendent or other Qualifying Administrator and the Chair of the School Board **must** sign this certification page (and initial the remaining pages) as described below and return it to the NHDOE. **No payment for project/grant awards will be made by the NHDOE without a fully executed copy of this General Assurances, Requirements and Definitions for Participation in Federal Programs on file.** For further information, contact the NHDOE Bureau of Federal Compliance at (603) 271-2634.

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### Superintendent or other Qualifying Administrator Certification:

We the undersigned acknowledge that [a] person is guilty of a violation of R.S.A. § 641:3 if [h]e or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or (b) With a purpose to deceive a public servant in the performance of his or her official function, he or she: (1) Makes any written or electronic false statement which he or she does not believe to be true; or (2) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or (3) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or (4) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.

Accordingly, I, the undersigned official legally authorized to bind the named School District hereby apply for participation in federally funded education programs on behalf of the School District named below. I certify, to the best of my knowledge, that the below School District will adhere to and comply with these General Assurances, Requirements and Definitions for Participation in Federal Programs (pages 1 through 16 inclusive). I further certify, as is evidenced by the Minutes of the School Board/School Administrative Unit Meeting of \_\_\_\_\_, \_\_\_\_\_, that I have informed all members of the School Board of the federal funds the District will be receiving and of these General Assurances, Requirements and Definitions for the District's participation in said programs.

SAU Number: \_\_\_\_\_ School District: \_\_\_\_\_

\_\_\_\_\_  
Typed Name of Superintendent  
Or other Qualifying Administrator

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**School Board Certification:**

I, the undersigned official representing the School Board, acknowledge that the Superintendent, or other Qualifying Administrator, as identified above, has consulted with all members of the School Board, in furtherance of the School Board's obligations, including those enumerated in RSA 189:1-a, and pursuant to the School Board's oversight of federal funds the District will be receiving and of the General Assurances, Requirements and Definitions for Participation in Federal in said programs.

\_\_\_\_\_  
Typed Name of School Board  
Chair (on behalf of the School Board)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please email or mail a copy of the entire document to:

Timothy Carney  
New Hampshire Department of Education  
Bureau of Federal Compliance  
101 Pleasant Street  
Concord, NH 03301

[Timothy.Carney@doe.nh.gov](mailto:Timothy.Carney@doe.nh.gov)

**Property & Liability Program**  
**Contribution Assurance Program (CAP) Agreement**  
**THIS AGREEMENT AMENDS AND EXTENDS YOUR MEMBERSHIP AGREEMENT**  
**PLEASE READ CAREFULLY**

Primex<sup>3</sup> is offering members in our **Property & Liability Program** an opportunity to stabilize their annual contributions through participation in our Contribution Assurance Program (**CAP**). **CAP** is offered to members who qualify, providing them predictability by limiting the annual contribution increase during a defined period of years (**CAP Period**). By signing this Agreement, you agree to extend your Membership Agreement for **three (3) years** and Primex<sup>3</sup> agrees to guarantee that your annual contribution increase will not exceed nine percent (9%) of the prior year's contribution. Because performance matters with Primex<sup>3</sup>, you may realize an annual increase that is less than the **CAP** through sound risk management and stable underwriting exposures. The annual member contribution will be based upon your exposure base, members' loss experience, and the rates established each year by the Primex<sup>3</sup> Board of Trustees.

We are offering this opportunity so that our members can extend their commitment to pooling through the Primex<sup>3</sup> programs. Participation in **CAP** for each year of the **CAP Period** is conditioned upon a three-year commitment to participation in the Primex<sup>3</sup> Property & Liability Program.

The following **CAP Period** years qualify for the Contribution Assurance Program (**CAP**):

**FY 2021 July 1, 2020 through June 30, 2021**

(maximum 9% increase over July 1, 2019 through June 30, 2020 contribution)

**FY 2022 July 1, 2021 through June 30, 2022**

(maximum 9% increase over July 1, 2020 through June 30, 2021 contribution)

**FY 2023 July 1, 2022 through June 30, 2023**

(maximum 9% increase over July 1, 2021 through June 30, 2022 contribution)

By signing this Agreement, the **Hillsboro-Deering School District** agrees to extend its risk pool membership and participation in the Primex<sup>3</sup> **Property & Liability Program** for three coverage period years, through **June 30, 2023**. The **Hillsboro-Deering School District** agrees and understands it remains bound by and subject to the terms and conditions of the Membership Agreement, Public Entity Coverage Documents and Trust Agreement, and all Trust by-laws, policies and procedures.

The **Hillsboro-Deering School District** agrees that the nine percent (9%) maximum increase currently available for this **CAP Period** does not apply to any other year or period of years, and upon expiration of the **CAP Period** in this Agreement, any subsequent participation in a Primex<sup>3</sup> **CAP** will be subject to underwriting review, membership criteria, **CAP** criteria, determination of contribution and the maximum increase in place for the subsequent **CAP Period**.

The **Hillsboro-Deering School District** further acknowledges that by extending its Membership Agreement for three (3) coverage period years, the Public Entity Coverage Documents, General Conditions Section (L) ("Terminating Participation in Our Program(s)") is suspended during year one (1) and year two (2) of the

**Hillsboro-Deering School District**

March 1, 2019

PL-2023-09-3

three (3) year term, as there is no right to cancel or terminate during year one (1) and year two (2) but shall be reinstated for the end of year three (3).

The **Hillsboro-Deering School District** agrees that failure to provide notice in strict accordance with the Public Entity Coverage Documents, General Conditions Section (L) shall result in automatic renewal of risk management pool membership and continuation in the Primex<sup>3</sup> Property & Liability Program, but not continuation of **CAP** which must be separately offered and accepted.

Primex<sup>3</sup> acknowledges that the **Hillsboro-Deering School District** is a NH public entity which receives budgetary authorization for appropriations from an annual meeting of its legislative body and pertains to a fiscal year which commences on the following January 1 or July 1, of any given year. The **Hillsboro-Deering School District** also acknowledges that it is legally required to carry insurance coverage. As such, if the legislative body, at such annual meeting for any years that are within the anticipated term of the contract, fails to approve such appropriation, and there are no other lawful means of funding the coverage, this contract may be terminated by the **Hillsboro-Deering School District** by notice to Primex<sup>3</sup> made within 30 days of the legislative action at which such funding initiative was defeated and such cancellation shall be effective as of the commencement on the following fiscal year or on the anniversary of the policy, whichever first occurs.

The **Hillsboro-Deering School District**, however, agrees that it shall seek the requisite appropriations in good faith and that the availability of lower cost or otherwise preferable coverage alternatives during the term of this Agreement shall not constitute a good faith and permissible basis on which to fail to pursue the appropriations or assert that appropriations are unavailable. In the event of an early termination, the **Hillsboro-Deering School District** agrees to return the difference between the **CAP** increase and the uncapped contribution.

By affixing my signature below, I am attesting, representing and warranting that I am a duly authorized representative of the governing body of the **Hillsboro-Deering School District** with legal authority to contractually bind the **Hillsboro-Deering School District** to the terms of this Agreement, and that I understand the commitment being made to membership in the Primex<sup>3</sup> risk management pool and participation in the Property & Liability Program.

\_\_\_\_\_  
Authorized Representative  
of the Governing Body

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**RESOLUTION TO ENTER PRIMEX<sup>3</sup>**  
**Property & Liability Contribution Assurance Program (CAP)**

**RESOLVED:** To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex<sup>3</sup>) to enter into its **Property & Liability Contribution Assurance Program (CAP)** as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex<sup>3</sup> risk management pool membership during the term of the **Property & Liability Contribution Assurance Program (CAP)**. The coverage provided by Primex<sup>3</sup> in each year of membership shall be as then set forth in the Coverage Documents of Primex<sup>3</sup>.

I attest that the foregoing is a true copy of the Resolution of the Governing Board of the **Hillsboro-Deering School District** adopted on \_\_\_\_\_.

Board: \_\_\_\_\_

Title of Board

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_duly authorized

Date: \_\_\_\_\_